

not applicable, this is indicated by the statement “[Reserved].”.

(a) through (b)(2) [Reserved]. For guidance see § 86.602–84.

(b)(3)(i) *Configuration*, when used for LDV exhaust emissions testing, means a subclassification of an engine-system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, axle ratio, and other parameters which may be designated by the Administrator.

(ii) *Configuration*, when used for LDV refueling emissions testing, means a subclassification of an evaporative/refueling emission family on the basis of evaporative and refueling control system and other parameters which may be designated by the Administrator.

(4) *Test sample* means the collection of vehicles of the same configuration which have been drawn from the population of vehicles of that configuration and which will receive emission testing.

(b)(5) through (b)(8) [Reserved]. For guidance see § 86.602–84.

(9) *Executive Officer* means the Executive Officer of the California Air Resources Board or his or her authorized representative.

(10) *Executive Order* means the document the Executive Officer grants a manufacturer for an engine family that certifies the manufacturer has verified that the engine family complies with all applicable standards and requirements pursuant to Title 13 of the California Code of Regulations.

(11) *50-state engine family* means an engine family that meets both federal and California Air Resources Board motor vehicle emission control regulations and has received a federal certificate of conformity as well as an Executive Order.

[59 FR 16300, Apr. 6, 1994, as amended at 62 FR 31234, June 6, 1997]

**§ 86.603–88 Test orders.**

(a) The Administrator will require any testing under this subpart by means of a test order addressed to the manufacturer.

(b) The test order will be signed by the Assistant Administrator for Air and Radiation or his designee. The test order will be delivered in person by an EPA Enforcement Officer to a company

representative or sent by registered mail, return receipt requested, to the manufacturer’s representative who signs the Application for Certification submitted by the manufacturer pursuant to the requirements of the applicable sections of subpart A of this part. Upon receipt of a test order, the manufacturer shall comply with all of the provisions of this subpart and instructions in the test order.

(c)(1) The test order will specify the vehicle configuration selected for testing, the time and location at which vehicles must be selected, and the procedure by which vehicles of the specified configuration must be selected. The test order may specify the number of vehicles to be selected per day and may include alternative configurations (primary, secondary, etc.) to be selected for testing in the event that vehicles of the first specified configuration are not available for testing because those vehicles are not being manufactured at the specified assembly plant, not being manufactured during the specified time, or not being stored at the specified assembly plant or associated storage facility. If total production of the specified vehicle configuration is less than the number specified in the test order, the manufacturer will select the actual number of vehicles produced per day. If the first specified configuration is not being manufactured at a rate of at least four vehicles per day over the expected duration of the audit, the Assistant Administrator for Air and Radiation or his designated representative may select vehicles of a primary alternate configuration for testing in lieu of the first specified configuration. Likewise, vehicles of a secondary alternate configuration may be selected in lieu of vehicles of the first specified configuration or primary alternate configuration. In addition, the test order may include other directions or information essential to the administration of the required testing.

(2) The following instructions are applicable to each test order issued under this subpart:

(i) The manufacturer shall make the following documents available to an EPA Enforcement Officer upon request:

(A) A properly filed and current Application for Certification following

## Environmental Protection Agency

## § 86.603–98

the format prescribed by the EPA for the appropriate model year; and

(B) A copy of the shop manual, dealer service bulletins, and pre-delivery inspection procedures for the configuration being tested.

(ii) Only one mechanic at a time per vehicle shall make authorized checks, adjustments, or repairs, unless a particular check, adjustment, or repair requires a second mechanic as indicated in the shop manual or dealer service bulletins.

(iii) A mechanic shall not perform any check, adjustment, or repair without an Enforcement Officer present unless otherwise authorized.

(iv) The manufacturer shall utilize only those tools and test equipment utilized by its dealers when performing authorized checks, adjustments, or repairs.

(d) A manufacturer may indicate preferred assembly plants for the various engine families produced by the manufacturer for selection of vehicles in response to a test order. This shall be accomplished by submitting a list of engine families and the corresponding assembly plants from which the manufacturer desires to have vehicles selected to the Administrator. In order that a manufacturer's preferred location for issuance of a test order for a configuration of a particular engine family be considered, the list must be submitted prior to issuance of the test order. Notwithstanding the fact that a manufacturer has submitted the above list, the Administrator may, upon making the determination that evidence exists indicating noncompliance at other than the manufacturer's preferred plant, order testing at such other plant where vehicles of the configuration specified in the test order are assembled.

(e) During a given model year, the Administrator shall not issue to a manufacturer more SEA test orders than an annual limit determined by dividing the projected sales bound for the U.S. market for that model year, as made by the manufacturer in its report submitted under paragraph (a)(2) of § 600.207–80 of the Automobile Fuel Economy Regulations, by 300,000 and rounding to the nearest whole number, unless the projected sales are less than 150,000, in which case the annual limit

is one. However, the annual limit for SEA test orders will be recalculated if a manufacturer submits to EPA in writing prior to or during the model year a sales projection update.

(1) Any SEA test order for which the configuration fails in accordance with § 86.610 or for which testing is not completed does not count against the annual limit.

(2) When the annual limit has been met, the Administrator may issue additional test orders for those configurations for which evidence exists indicating noncompliance. An SEA test order issued on this basis will include a statement as to the reason for its issuance.

[41 FR 31483, July 28, 1976, as amended at 43 FR 4552, Feb. 2, 1978; 49 FR 48480, Dec. 12, 1984. Redesignated and amended at 54 FR 2122, Jan. 19, 1989]

### § 86.603–97 Test orders.

Section 86.603–97 includes text that specifies requirements that differ from those specified in § 86.603–88. Where a paragraph in § 86.603–88 is identical and applicable to § 86.603–97, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.603–88.”

(a) through (e) [Reserved]. For guidance see § 86.603–88.

(f) In the event evidence exists indicating an engine family is in noncompliance, the Administrator may, in addition to other powers provided by this section, issue a test order specifying the engine family the manufacturer is required to test.

[62 FR 31234, June 6, 1997]

### § 86.603–98 Test orders.

Section 86.603–98 includes text that specifies requirements that differ from § 86.603–88. Where a paragraph in § 86.603–88 is identical and applicable to § 86.603–98, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.603–88.” Where a corresponding paragraph of § 86.603–88 is not applicable, this is indicated by the statement “[Reserved].”

(a) through (c) [Reserved]. For guidance see § 86.603–88.